



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,042	12/30/2003	Jon C. Graff	042933/272518	9223

826 7590 04/20/2006

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER

LE, NANCY LOAN T

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/749,042

**Applicant(s)**

GRAFF, JON C.

**Examiner**

NANCY LOAN T. LE

**Art Unit**

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is responsive to Amendment filed 11 January 2006 in which no claim has been amended, canceled or added.

### ***Status of Claims***

Claims 1-18 have been examined.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.*

Claims 1-18 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Application Publication No. 2003/0033528 A1 published 13 February 2003 to Ozog et al..

As per **claim 1**, Ozog et al. disclose a system comprising:

- **a terminal** capable of communicating at least one of within and across at least one network, wherein the terminal is included within an organization including a plurality of terminals, at least one terminal having at least one characteristic and being at least one of a plurality of positions within the organization (i.e., computing platform(s) – para. [0027]);
- **a secondary certification authority (CA)** (i.e., the certificate authority of the Issuer/Grantor's company, the Telecommunication Service Provider V, or public authority such as Mandate Authority 410, 510 – para. [0065], figures 4, 5) capable of providing at least one role certificate to the terminal based upon the at least one position of the terminal within the organization, wherein

the organization includes a plurality of secondary CA's capable of issuing at least one role certificate to respective groups of terminals of the organization (i.e., the Issuer/Grantor Certified Reference being a role certificate – para. [0041-0042, 0054, 0110]);

- **a tertiary CA** (i.e., Issuer/Grantor B Virtual Certificate Authority VCA(B) – para. [0062, 0065]) capable of providing at least one permission certificate to the terminal based upon the at least one characteristic of the terminal that is located at a position within the organization, wherein the organization includes a plurality of tertiary CA's capable of issuing at least one permission certificate to respective sub-groups of terminals of the organization (i.e., Mandate being a permission certificate – para. [0032, 0033, 0043, 0066]); and
- **a server** (i.e., a computer system owned by third-party or service provider V – para. [0110]) capable of authenticating the terminal based upon an identity certificate (i.e., public key certificate from certificate authority CA(X), authenticity certificate 512, as being identity certificate – para. [0063, 0074]), the at least one role certificate (i.e., VCA(B) certificate being role certificate – para. [0067-0068]) and the at least one permission certificate (i.e., Mandate being permission certificate – para. [0033, 0071]) of the terminal to thereby determine whether to grant the terminal access to at least one resource of the server (para. [0072-0079, 0106]).

As per **claims 2, 3, 8 and 9**, Ozog et al. disclose a system/method of claims 1 and 7, respectively, wherein the terminal comprises a terminal included within an organization comprising a customer base of a cellular service provider that includes a plurality of terminals, each terminal being at one of a plurality of positions comprising a plurality of 'service plans'/services offered by the cellular network operator, and wherein at least one terminal has at least one characteristic comprising at least one optional service offered by the cellular network operator [0080, 0105-0107].

As per **claims 4 and 10**, Ozog et al. disclose a system/method of claims 1 and 7, respectively, wherein the tertiary CA is capable of providing at least one permission certificate each having an associated validity time no greater than a validity time of the at least one role certificate provided by the secondary CA, and no greater than a validity time of the identity certificate [0044, 0057, 0075-0077, 0106].

As per **claims 5 and 11**, Ozog et al. disclose a system/method of claims 4 and 10, respectively, wherein the server is capable of authenticating the terminal based upon the validity times of the identity certificate, at least one role certificate and at least one permission certificate of the respective terminal [0075-0079, 0106].

As per **claims 6 and 12**, Ozog et al. disclose a system/method of claims 1 and 7, respectively, wherein the terminal is capable of requesting access to at least one resource of a server before the server authenticates the terminal (para. [0071, 0072, 0099]), and wherein the server is capable of granting access to the at least one resource if the terminal is authenticated (para. [0079]).

As per **claim 7**, Ozog et al. disclose a method of authenticating a terminal comprising:

- providing a terminal capable of communicating at least one of within and across at least one network, wherein the terminal is included within an organization including a plurality of terminals, at least one terminal having at least one characteristic and being at least one of a plurality of positions within the organization (i.e., computing platform(s) – para. [0027]);
- providing at least one role certificate to the terminal from a secondary certification authority (CA) based upon the at least one position of the terminal within the organization, wherein the organization includes a plurality of secondary CA's capable of issuing at least one role certificate to respective groups of terminals of the organization (i.e., the Issuer/Grantor Certified Reference being a role certificate – para. [0041-0042, 0054, 0110], is provided by a certificate authority of the Issuer/Grantor's company, the Telecommunication Service Provider V, or public authority such as Mandate Authority 410, 510 – para. [0065], figures 4, 5);
- providing at least one permission certificate to the terminal from a tertiary CA based upon the at least one characteristic of the terminal located at a position within the organization, wherein the organization includes a plurality of tertiary CA's capable of issuing at least one permission certificate to respective sub-groups of terminals of the organization (i.e., Mandate being a permission certificate – para. [0032, 0033, 0043, 0066] is provided by Issuer/Grantor B Virtual Certificate Authority VCA(B) – para. [0062, 0065]); and

- authenticating the terminal at a server based upon an identity certificate, the at least one role certificate and the at least one permission certificate of the terminal to thereby determine whether to grant the terminal access to at least one resource of the server (para. [0072-0079, 0106]).

As per **claim 13**, Ozog et al. disclose a terminal included within an organization including a plurality of terminals, each terminal having at least one characteristic and being at least one of a plurality of positions within the organization, the terminal comprising:

- **a controller** capable of communicating at least one of within and across at least one network, wherein the controller is capable of obtaining at least one role certificate 10 from a secondary certification authority (CA) based upon the at least one position of the terminal within the organization and at least one permission certificate from a tertiary CA based upon the at least one characteristic of the terminal that is located at a position within the organization, wherein the organization includes a plurality of secondary CA's capable of issuing at least one role certificate to respective groups of terminals of the organization, and wherein the organization includes a plurality of tertiary CA's capable of issuing at least one permission certificate to respective sub-groups of terminals of the organization (i.e., a controller is inherently included in computing platforms of para. [0027] obtaining an Issuer/Grantor Certified Reference {a role certificate} – para. [0041-0042, 0054, 0110] from a certificate authority of the Issuer/Grantor's company, the Telecommunication Service Provider V, or public authority such as Mandate Authority 410, 510 {secondary certificate authority} – para. [0065], figures 4, 5; and obtaining a Mandate {permission certificate} -- para. [0032, 0033, 0043, 0066] from Issuer/Grantor B Virtual Certificate Authority VCA(B) {tertiary CA} – para. [0062, 0065]); and
- **a memory** capable of storing an identity certificate, at least one role certificate and at least one permission certificate [0056],
- wherein the controller is also capable of communicating with a server (i.e., the controller of the terminal/'computing platform' requesting access to a controlled resource on the third-party, or Telecommunication Service Provider V -- para. [0071, 0072, 0099]) such that the server is capable of authenticating the terminal based upon the identity certificate, the at least one role

certificate and the at least one permission certificate of the terminal to thereby determine whether to grant the terminal access to at least one resource of the server (para. [0072-0079, 0106]).

As per **claim 14**, Ozog et al. disclose a terminal of claim 13, wherein the controller is capable of obtaining at least one role certificate from a secondary CA capable of issuing at least one role certificate to each terminal of the organization comprising a customer base of a cellular service provider that includes a plurality of terminals, each terminal being at one of a plurality of positions comprising a plurality of service plans offered by the cellular network operator, and wherein the controller is capable of obtaining at least one permission certificate based upon at least one characteristic comprising at least one optional service offered by the cellular network operator (i.e., a controller is inherently included in computing platforms of para. [0027] obtaining an Issuer/Grantor Certified Reference {a role certificate} – para. [0041-0042, 0054, 0110] from a certificate authority of the Issuer/Grantor's company, the Telecommunication Service Provider V, or public authority such as Mandate Authority 410, 510 {secondary certificate authority} – para. [0065], figures 4, 5; and obtaining a Mandate {permission certificate} -- para. [0032, 0033, 0043, 0066] from Issuer/Grantor B Virtual Certificate Authority VCA(B) {tertiary CA} – para. [0062, 0065]).

As per **claim 15**, Ozog et al. disclose a terminal of claim 13, wherein the controller is capable of obtaining at least one role certificate from a secondary CA capable of issuing at least one role certificate to each terminal of the organization comprising a customer base of a cellular service provider that includes a plurality of terminals, each terminal being at least one of a plurality of positions comprising a plurality of services offered by the cellular network operator, and wherein the controller is capable of obtaining at least one permission certificate based upon at least one characteristic comprising at least one optional service offered by the cellular network operator (i.e., a controller is inherently included in computing platforms of para. [0027] obtaining an Issuer/Grantor Certified Reference {a role certificate} – para. [0041-0042, 0054, 0110] from a certificate authority of the Issuer/Grantor's company, the Telecommunication Service Provider V, or public authority such as Mandate Authority 410, 510 {secondary certificate authority} – para. [0065], figures 4, 5; and obtaining a Mandate {permission

Art Unit: 3621

certificate} -- para. [0032, 0033, 0043, 0066] from Issuer/Grantor B Virtual Certificate Authority VCA(B) {tertiary CA} -- para. [0062, 0065]).

As per **claim 16**, Ozog et al. disclose a terminal of claim 13, wherein the controller is capable of obtaining at least one permission certificate each having an associated validity time no greater than a validity time of the at least one role certificate obtained by the controller, and no greater than a validity time of the identity certificate [0044, 0057, 0075-0077, 0106].

As per **claim 17**, Ozog et al. disclose a terminal of claim 16, wherein the controller is also capable of communicating with a server (para. [0071, 0072, 0099]) such that the server is capable of authenticating the terminal based upon the validity times of the identity certificate, at least one role certificate and at least one permission certificate of the respective terminal (para. [0075-0079, 0106]).

As per **claim 18**, Ozog et al. disclose a terminal of claim 13, wherein the controller is capable of requesting access to at least one resource of a server before the server authenticates the terminal (para. [0071, 0072, 0099]) such that the server is capable of granting access to the at least one resource if the terminal is authenticated (para. [0079]).

### ***Conclusion***

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **NANCY LOAN T. LE** whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday-Thursday, 7am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **JAMES P. TRAMMELL** can be reached on **(571) 272-6712**. For **official/regular communication**, the



Art Unit: 3621

fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**. For **informal/draft communication**, the fax number is **(571) 273-7066 (Rightfax)**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.

Any response to this action should be *mailed to*:

**Commissioner of Patents and Trademarks**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

*Hand-delivered* responses should be brought to:

**United States Patent and Trademark Office**

**Customer Service Window**

**Randolph Building**

**401 Dulany Street**

**Alexandria, VA 22314**

NL

14 April 2006

*David J. Smith*  
**PRIMARY EXAMINER**